

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY D. DYKES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 12-cv-06000 BHS

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 21.)

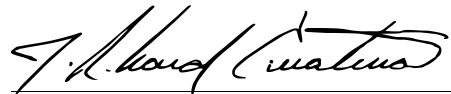
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, this Court recommends that the
2 Administrative Law Judge ("ALJ") should further evaluate plaintiff's impairments, residual
3 functional capacity, and subjective complaints while explaining the reasons for the weight given
4 to the medical and other opinions of record. If the ALJ relies on evidence from prior claim(s),
5 the evidence must be made part of the record in this case and proffered to the plaintiff. The ALJ
6 will offer plaintiff the opportunity for a new hearing, will offer plaintiff the opportunity to submit
7 additional evidence, and will issue a new decision regarding plaintiff's applications for
8 supplemental security payments pursuant to Title XVI of the Social Security Act.

9 This Court hereby reverses the Commissioner's decision pursuant to sentence four of 42
10 U.S.C. §405(g) with a remand of the case to the Acting Commissioner for further proceedings.
11 *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The parties stipulate that plaintiff will be
12 entitled to reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28
13 U.S.C. § 2412(d), following proper request to this Court.

14 Given the facts and the parties' stipulation, the Court recommends that the District Judge
15 immediately approve this Report and Recommendation and order the case be **REVERSED** and
16 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

17 Dated this 18 day of February, 2014.

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20 J. Richard Creatura
21 United States Magistrate Judge
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